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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/080,754	
	Filing Date	February 22, 2002	
	First Named Inventor	Gerald W. Fly et al.	
	Art Unit	1745	
	Examiner Name	Carol Chaney	
Total Number of Pages in This Submission		Attorney Docket Number	8540G-000058/CPA (H-205702)

ENCLOSURES (check all that apply)		
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Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Reg. No.
		David A. McClaghry	37,885
Signature			
Date	June 27, 2006		

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EV 853 856 675 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/080,754
Filing Date: February 22, 2002
Applicant: Gerald W. Fly et al.
Group Art Unit: 1745
Examiner: Carol Chaney
Title: FUEL CELL WITH VARIABLE POROSITY GAS
DISTRIBUTION LAYERS
Attorney Docket: 8540G-000058/CPA (Client Ref. H-205702)

Mail Stop Appeal Brief - Patents
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REPLY BRIEF

Sir:

This Reply Brief is directed to points of argument raised in the Examiner's Answer dated May 11, 2006 for the above-identified application. Applicants respectfully traverse the Examiner's rejections for the reasons set forth below.

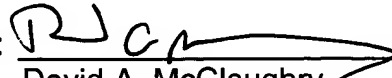
REMARKS

Applicants respectfully reassert their argument that U.S. Patent No. 6,258,476 to Cipollini (hereinafter "Cipollini") fails to disclose the non-porous impermeable separator plate of the present invention. While the Examiner contends that the separator plate of Cipollini is non-porous in operation, Applicants submit that the Examiner has classified the plate as both porous and non-porous. The structure of the plate is clearly porous, as conceded by the Examiner. Therefore, it cannot be seen as teaching the non-porous separator plate of the present invention. The Examiner further asserts that the separator plate of Cipollini is impermeable. Applicants again reassert their position that in order for the separator plate of Cipollini to be "non-porous in operation," as asserted by the Examiner, it must be permeated by water. Applicants respectfully submit that the plate in Cipollini is permeable due to its porous composition and ability to be permeated by water.

As such, Applicants respectfully submit that the final rejection of the claims based on Cipollini is improper. Accordingly, Applicants respectfully request the final rejection of claims be reversed and the present application be approved for allowance.

Respectfully submitted,

Dated: June 27, 2006

By: 
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